IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

FAO.No. 116 of 2007()

AGAINST THE ORDER DATED 21/03/2007 IN IA. 983/2005 IN OS.98/2003 of SUB COURT, CHERTHALA

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APPELLANT/PETITIONER/2ND DEFENDANT

SUVARNA CHITTY FUND, POOCHACKAL,
REPRESENTED BY ITS PARTNER, VINCENT,
S/O JOHN, ANCHUTHARAYIL VEEDU, PANAVALLY.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS: COUNTER-PETITIONER/PLAINTIFF

STAR SHIP EXPORT, PEEVEES BUILDINGS,
EDAKOCHI REPRESENTED BY ITS MANAGING PARTNER,
V.GEORGE JOSEPH, S/O V.I.JOSEPH,
VADAKKEDATHU VEEDU, MUNDAVELI, KOCHI.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

F.A.O.No.116 of 2007

Dated this the 22nd day of June, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal against order dated 21-3-2007 in I.A.No.983/2005 in O.S.No.98/2003 on the file of the Subordinate judge's Court, Cherthala. The petition was filed to set aside the ex parte decree passed in the suit on 23-9-2005. One reason stated in the affidavit is that the Advocate Clerk had mistakenly noted the date as 23-10-2005. But it is seen that the application itself is filed on 22-10-2005. Therefore, that reason is absolutely baseless. Even otherwise it is seen that the petitioner was set ex parte earlier on the ground that no written statement was filed and thereafter the petitioner attempted for setting aside the ex parte order. That petition was dismissed for default on 7-9-2005 and it was thereafter only the case was posted to 23-9-2005 for ex parte evidence. It is seen from the affidavit accompanying the petition also that the approach of the petitioner is too casual. The court below has rightly dismissed

the petition. We do not find any grounds to interfere. The appeal is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.